

page 1B

Regarding the Office Action (OA) , page 2 (copy attached), lines 1 - 5.

It was the Applicant understanding, 'all future amendments are to follow format described in Revised CFR 1.121, June 2003; additional material is underlined and deleted material is lined-out (strikethru) and that only changes to the immediatly prior documents are to be shown. Amendments mailed before February 20, 2003 could have any obvious, consistant format.'

The Applicant described the changes, in obvious text, on page 1 of the December 9, 2002 Amendment, please note the dates. The Applicant endeavors to be fully responsive to the requirements known at the time.

Clarification point 1. What is the correct/right way to handle this?

The return postcard of the 12/9/02 mailing (copy attached) shows that Amendment C was delivered. In the Applicant's understanding, no "new matter" has been presented. Additional material to explain, clarify and expand on material, concepts and intent of the original have been submitted.

page 1C

Regarding OA lines 5 - 10.

The OA phrase "... and/or the exit mirrors of laser diode arrays and the like." in paragraph 1 of Amendment C is intended to explain the Background- Field of Invention and is an expansion of Original Application, page 2, Conclusion Ramifications and Scope, lines 9-10, "... symbols might be formed directly onto the exit mirrors of lasers ..." . Clarification point 2. Is this acceptable?

Paragraphs 3-15 of Amendment C are Background comments directed to references cited by the prior Examiner. Clarification point 3.

The Applicant understands that amendments may explain, clarify and expand upon matters and concepts found lacking by the examiner.

The word "Submillimeter" is not in the title of Amendment C, the word is used in the text of Amendment C to more clearly define the present invention, please note: the word 'submillimeter' is, by defination in the original application. MicroElectroMechanical System, MEMS, mirrors are submillimeter devices, any symbols or scenes on them must be submillimeter.

Claification point 4, Is this acceptable?

page 1D

The Applicant has learned of a class of materials called "metamaterials" which may become an enabling material for the present invention. What is the proper/correct method to reference "metamaterials" and also comply with the "new matter" restrictions? Clarification point 5.

The Amendment D, is a copy of Amendment C, except for page 1 and 28, marked up as specified in the OA, Sept.2 2003.

Art Unit: 2874

DETAILED ACTION


1. The reply including the substitute specification filed on 12/9/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The substitute specification is not in compliance with 37 CFR 1.121 and 608.01(q) and thus will not be entered in the case. Deleted subject matter must be bracketed and added subject matter must be underlined. The original subject matter should be left alone. A cursory review of Applicant's proposed substitute specification reveals the presence of new matter. New matter is defined as additional subject matter that was not in the specification as it was originally filed which is now used to support the claims. Examples of the new matter is (in paragraph 1....and/or the exit mirrors of laser diode arrays and the like; proposed new paragraphs 3-15 in their entirety and the use of the term "Submillimeter" in the title.) Applicant is advised that any proposed substitute specification be carefully revised and compared to the specification as it was originally filed. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any questions concerning this office action should be directed to:

Brian M. Healy; Primary Examiner;

Art Unit: 2874; Phone:(703)308-2693


Brian M. Healy
Primary Examiner

page 1F

The following received today:

1. Amendment C, 28 pages, in
Application Ser. Nr. 09/784,773
of Joseph D. Udy, filed
2001 February 15.

end



Recd
12/16/02
JDU